IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18365 of 2004

Between:

M.P. Anjaneyulu, S/o Late M.D. Pochaiah,
R/o C-45/2, BHEL R & D, Old Alwal, Ranga Reddy District.

..... PETITIONER

AND

1 Station House Officer, Balanagar Police Station, Cyberabad, R.R. District.
2 Assistant Commissioner of Police, Malkajgiri Division, Cyberabad, R.R. District.
3 Commissioner of Police, Cyberabad, R.R. District,
at Lakdikapool, Hyderabad.
4 Datta Sai Finance, C/o MRF Tyres, Opp: RBR Hospital,
Balanagar, R.R. District, Rep. by its Partners Mr,. G. Raghu
S/o Sivaramakrishna, aged aboutr 46 years.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction essentially in the nature of mandamus directing the respondents the officers and subordinates or any person claiming any right under them for interfering with peaceful way of living of the petitioner and petitioners family members violating the personal rights of secrecy except under procedure established by law.

Counsel for the Petitioner : MR. B.VEERABHADRA RAO

Counsel for the Respondents 1 to 3 : GP FOR HOME

The Court at the admission stage made the following order:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.18365 OF 2004

ORAL ORDER :

This writ petition is filed seeking a Writ of Mandamus directing the respondents not to interfere with the personal liberty of the petitioner and his family members.

In the affidavit filed in support of the writ petition, it is stated that the son of the petitioner worked with 4th respondent Finance Company for a meagre salary and he used to collect the dues from the parties. After sometime, the son of the petitioner left the company. Being aggrieved, the fourth respondent lodged a complaint with the 1st respondent alleging that the son of the petitioner unauthorizedly issued certificates releasing three vehicles. However, no crime was registered against his son. In spite of that, the respondents 1 to 3 at the instance of fourth respondent captured the petitioner and his family members in order to secure the presence of his son, and they have been proclaiming that the petitioner and his family members

would be implicated in false cases. The respondents 1 to 3 have also posted the constables in front of the house of the petitioner without there being any justifiable reason. The entire action of the respondents is arbitrary and illegal and in violation of the Article 21 of the Constitution of India. Hence, this writ petition.

On behalf of the official respondents 1 to 3, the Sub-Inspector of Police, Balanagar Police Station, Ranga Reddy District filed a counter-affidavit denying the allegations made by the petitioner and stated that at no point of time the respondents 1 to 3 have taken the petitioner and his family members to the police station nor they were detained. It is further stated that no case is pending against the petitioner or his son and therefore the question of summoning on the petitioner and his family members to the police station does not arise and that the writ petition has been filed on mere apprehensions.

In view of what has been stated in the counter-affidavit, no adjudication deserves to be made on merits.

Accordingly, recording the statement of the respondents 1 to 3 in the counter-affidavit, the Writ Petition is disposed of. No costs.

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08th November, 2004.

Gbs

To

1 The Station House Officer, Balanagar Police Station, Cyberabad, R.R. District.
2 The Assistant Commissioner of Police, Malkajgiri Division, Cyberabad, R.R. District.
3 The Commissioner of Police, Cyberabad, R.R. District,
at Lakdikapool, Hyderabad.
4.2CCs to G.P. for Home, High Court of AP Bldgs, Hyderabad (Out).

5.2CD copies